



**LEGAL AND ETHICAL RESPONSES TO  
MASSIVE HUMAN RIGHTS VIOLATIONS**

**INTENSIVE COURSE**

**Distinguished Visiting Professor José Zalaquett**

**Faculty of Law**

**University of Toronto**

**2001/2002**

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# LEGAL AND ETHICAL RESPONSES TO MASSIVE HUMAN RIGHTS VIOLATIONS

**Intensive Course**  
**17 - 27 September 2001**

Visiting Professor José Zalaquett  
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## **REQUIREMENTS:**

10-12 page paper. Grading will be on an Honours/Pass/Fail basis and due on Friday October 19, 2001. Papers must be delivered to the Records Office by 4.00 pm.

## **SYLLABUS**

### **1. Monday 17 September -- Introduction to the course. Transitions to democracy and a legacy of human rights violations.**

- Guillermo O'Donnell and Philippe Schmitter: "Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies".
- José Zalaquett: "Confronting Human Rights Violations Committed by Former Governments: Principles Applicable and Political Constraints".

### **2. Tuesday 18 September -- Transitions to democracy. The Southern Cone.**

- Americas Watch: Truth and Partial Justice in Argentina. (excerpts).
- José Zalaquett: "Analysis of the Uruguayan case".
- Report of the Chilean National Commission on Truth and Reconciliation:
  - Introduction to the English edition.
  - Sample pages of findings concerning secret police and crimes.
  - Sample pages of findings concerning individual victims.

### **3. Wednesday 19 September -- South Africa: dealing with a legacy of apartheid.**

- Michelle Parlevliet: "Background to the Truth and Reconciliation Commission".
- Alex Boraine: A Country Unmasked. Conclusions.
- Mahmood Mamdani: "A Diminished Truth".

#### **4. Thursday 20 September -- Truth Commissions: comparisons.**

- Truth Commissions: A Comparative Assessment. Part One: Basic Purposes and Justifications.
- Priscilla B. Hayner: "Five Illustrative Truth Commissions".

#### **5. Friday 21 September -- Justice: Trials. The duty to prosecute/punish.**

- Aryeh Neier: "The Trouble with Amnesty".
- Diane F. Orentlicher: "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime" (excerpts).
- United Nations Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity.

#### **6. Monday 24 September -- Limits to punishment. Measures of disqualification. Compensation.**

- Martha Minow: "Vengeance and Forgiveness".
- Carlos S. Nino: "Response: The Duty to Punish Past Abuses of Human Rights Put Into Context: The Case of Argentina" (excerpts).
- José Zalaquett: "Moral Reconstruction in the Wake of Human Rights Violations and War Crimes" (excerpts).
- Mark S. Ellis: "Purging the Past: The Current State of Lustration Laws in the Former Communist Block".
- Conclusions of the Maastricht Seminar on the Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms.

#### **7. Tuesday 25 September -- Humanitarian Intervention.**

- Aquinas: Summa Theologica. ST II-II. Question 40: Of War. Question 42: Of Sedition.
- Michael J. Smith: "Humanitarian Intervention: An Overview of the Ethical Issues" (excerpts).
- Ved P. Nanda, Thomas F. Muther Jr, and Amy E. Eckert: "Tragedies in Somalia, Yugoslavia, Haiti, Rwanda and Liberia -Revisiting the Validity of Humanitarian Intervention under International Law - Part II" (with a segment taken from Part I).

## **8. Wednesday 26 September -- International Tribunals.**

- M. Cherif Bassiouni: "From Versailles to Rwanda in Seventy-Five Years: The Need to Establish a Permanent International Criminal Court".

## **9. Thursday 27 September -- The Pinochet case.**

- Richard J. Wilson: "The Spanish Proceedings".
- Michael Ratner: "The Lords' Decision in Pinochet III".

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